

## DEPARTMENT OF HEALTH PROFESSIONS - DIRECTIVES

**DIRECTIVE NO.:** 5.3

**EFFECTIVE:** \_\_\_\_\_

**APPROVAL:** \_\_\_\_\_

**SUPERSEDES:** \_\_\_\_\_

### **5.3 Sole Source Approval for Examination Services**

**Purpose:** The purpose of this directive is to establish a procedure to expedite the approval, as required by law, by the Director for procurement of examination services.

**Procedure:** After documenting the scope and estimated cost of services, but prior to entering into negotiations to obtain testing services on behalf of a board where it is evident that only one source is practically available, the following shall be accomplished and documented in writing:

1. A firm whose regular business includes the offering of occupational licensing examinations shall be contacted to inquire if there is any other firm offering the test. The firm contacted shall not be the firm expected to be the sole provider. The results, name of the firm, name and title of the person providing the information and date shall be documented in the file.
2. Comparable regulatory agencies of at least 5 jurisdictions selected at random, at least 3 of which do not border Virginia, that procure a like test shall be contacted to determine if they know of an alternative source. The results, name of the regulatory agency, name and title of the person providing the information and date of each contact shall be documented in the file.
3. If there is a national organization representing the profession, an inquiry for an alternative source shall be made. The results, name of the organization, name and title of the person providing the information and date shall be documented in the file.

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4. If there is a Virginia organization representing the profession, an inquiry for an alternative source shall be made. The results, name of the organization, name and title of the person providing the information and date shall be documented in the file.
5. If there is a multi-jurisdictional association of regulatory boards or agencies specific to the occupation being tested, an inquiry shall be made as to an alternative source. The results, name of the association, name and title of the person providing the information and date shall be documented in the file.
6. If it has been found during steps 1 through 5 that another source is available, a Request For Proposal, should be issued. No request for a sole source procurement shall be made unless it can be determined by the Office of the Attorney General and agreed to by the Director that sole source procurement is lawful. If step 1 through 5 confirm the existence of only one practically available source, these efforts shall be summarized in a memorandum for recommendation by the Deputy Director and a finding by the Director. If all conditions of this directive are met, it should be cited in the memorandum, i.e., "in accordance within Directive 89-2".
7. Upon approval by the Director, negotiations shall be initiated with the sole provider. The regulatory board shall be consulted as to the points of negotiation. The points of negotiation shall be documented in writing in the file as well as the results. Under no circumstances shall a sole source contact under this directive extend for more than 24 months. Upon completion of negotiation a contract for the services shall be approved by the Office of the Attorney General prior to being presented to the Deputy Director or in his absence, the Director, for signature.

**Exclusion** - This Directive is not applicable to procurement for services where Request for Proposals was issued and only one response was received.